THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3649 of 2007

06.3.2007

Between:

Smt.Sirimalla Susheela, W/o.Late Shanker Lingam

... Petitioner

AND

The Collector, Adilabad District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3649 of 2007

ORDER:

The petitioner is resident of Ashoknagar village of Bellampalli Mandal in Adilabad District. She challenges the express memo No.A/325/ 2006, dated 12.2.2007, issued by the Mandal Revenue Officer (MRO), Tandur – the third respondent herein; whereunder the land in survey Nos.612/1 (Acs.4.00), 612/19 (Acs.1.10 gts) and 612/20 (Acs.3.15 gts) situated at Tandur was taken into Government custody in the presence of the parties between whom a dispute exists.

It is the case of the petitioner that her husband, late Shanker Lingam, was a freedom fighter to whom the land admeasuring Acs.4.00 in survey No.612/1 was assigned by proceedings dated 03.9.1991 by the third respondent. He was allegedly in possession of the land and after his death on 20.8.2001, the petitioner is statedly in possession of the land. She further alleges that when there was an inferference from the seventh respondent in January 2005, she filed a suit being O.S.No.9 of 2005 on the file of the Court of the Junior Civil Judge, Asifabad, and the same was compromised in the Lok Adalat on 26.9.2006 as a result of which there was an injunction against the seventh respondent. Again when the respondents 6 and 7 allegedly interfered the petitioner statedly gave a complaint to the second respondent who sent the same to the concerned Police Station for registration of crime. Yet again the dispute continued and therefore the petitioner made application for survey of the land but the same was not taken up. The petitioner alleges that respondents 6 and 7 are behind this. Be that as it is when the third respondent issued express memo, she filed the instant writ petition.

Learned Counsel for the petitioner submits that by reason of the injunction granted by the Lok Adalat, the petitioner is in possession of the property and therefore the action of the third respondent in trying to take the land into Government custody is illegal and arbitrary. Learned Assistant Government Pleader for Revenue (General-T) sought time to

get instructions. Today when the case is called, he has placed before this Court the original file containing the order passed by the second respondent under Section 145 of Criminal Procedure Code, 1973 (Cr.PC) directing the third respondent to maintain *status quo* till the enquiry is completed. The order passed by the second respondent reads as under.

IN THE COURT OF THE SUB-COLLECTOR &
SUB-DIVISIONAL MAGISTRATE, ASIFABAD.
PRESENT: SRI K.BHASKAR, I.A.S.,

No.G/319/2006 **DT.4.11.2006**

BETWEEN

1. Peram Madhavi, W/o.Srinivas
   R/o.Madaram vg. Of Tandur

Petitioner

&

1. B.Mohan Rao
2. Sirimalla Shusheela, W/o.Shanker Lingam
   R/o.Asok Nagar Bellampalli (M)

Respondent

ORDER U/S.145 (6a) Cr.PC

(Through Mandal Revenue Officer Tandur for service and return)

Whereas it appears to me on the evidence of the petition filed by Smt.Peram Madhavi, W/o.Sreenivas R/o.Madaram village of Tandur (M). I am satisfied with the evidence that the dispute is likely to induce a breach of peace exist between Peram Madhavi, W/o.Sreenivas (PW1) R/o.Madaram village of Tandur (M) and Mohan Rao (RW1) and Smt.Sirimalla Shusheela (RW2) R/o.Ashoknagar villge of Bellampelli (M) and that the agriculture land in Sy.No.612/19 ext.1.10 & 612/20 Ext.3.15 acres Sy.No.612/1 ext.4.00 situated at Tandur village of Tandur (M) within the limits of my jurisdiction.

In view of the above I Sub-Collector & Sub-Divisional Magistrate Asifabad empower under section 145 Cr.PC hereby order that the Mandal Revenue Officer, Tandur is directed to maintained status quo till this enquiry is completed.

The petitioner (PW1) and Respondents (RW1) and (RW2) is hereby directed to attend before me in person and furnish written statement in support of their claim as regard the facts of the actual possession of the land in Sy.No.612/19 ext.1.10, Sy.No.612/20 Ext.3.15 acres and Sy.No.612/1 Ext.4.00 situated at Tandur village of Tandur (M) on 18.11.2006 at 11.00 AM at Office of the Sub-Collector & Sub-Divisional Magistrate, Asifabad.

Sub-Collector &
Sub-Divisional Magistrate
Asifabad

Learned Assistant Government Pleader points out that the

above order was passed in the presence of the petitioner and seventh respondent herein after giving notice and a copy of the same was also served on the petitioner through the MRO. A perusal of the file produced before this Court would show the learned Assistant Government Pleader is correct. Therefore this Court holds that the writ petition is filed concealing true facts and therefore the petitioner is not entitled for any relief in this writ petition. If so advised the petitioner may avail remedy before the Court of District and Sessions Judge, under Section 397 Cr.PC.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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March 06, 2007 (**V.V.S.RAO,J**)

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